IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

Bail Appl..No. 380 of 2007()

CRIME NO.167/06 OF ELATHOOR POLICE STATION.

: PETITIONER/ACCUSED

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1. SURESH KUMAR, AGED 30 YEARS,
S/O.KANARAKUTTY, VADAKKE KOTTAYIL,
ATHOLI P.O., KOZHIKODE.

2. DILSHAK, AGED 25 YEARS,
S/O.DAMODARAN, THAVARAKKADU HOUSE,
MADAKKATTOOR P.O., KOZHIKODE.

BY ADV. SRI.P.R.SREEJITH

RESPONDENTS: COMPLAINANT/STATE

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.380 OF 2007

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DATED THIS THE 31st DAY OF JANUARY, 2007

O R D E R

Petitioners who are accused 3 and 4 in Crime No.167/06 of Elathoor Police Station for offences punishable under sections 452, 427, 323 and 506(ii), seek anticipatory bail.

2. Pending this application, the first petitioner has been arrested and therefore the application so far as it relates to the first petitioner has become infructuous. In the case of the second petitioner, who is the 4th accused, I am not inclined to grant anticipatory bail to him. I am, however, inclined to give him an opportunity to surrender before the Investigating Officer and then to have his regular bail application disposed of by the Magistrate. Accordingly, the second petitioner who is the 4th accused shall surrender before the Investigating Officer on any day between 5.2.2007 and 7.2.2007 for the purpose of custodial interrogation. He shall thereafter be produced before the Magistrate having jurisdiction on the same day. The Magistrate shall consider and dispose of the application for regular bail , if any, filed by the second petitioner/4th accused, preferably on the same date on which it is filed.

This application is disposed of as above.

V.RAMKUMAR, JUDGE

dsn